



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 29, 1996

Ms. Beth Taylor  
Director, Medicaid Fraud Control Unit  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711

OR96-0460

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33564.

The Medicaid Fraud Control Unit received a request for information relating to an investigation of a certain nursing home. You contend that the requested information is excepted from required public disclosure under sections 552.101, 552.108, and 552.111 of the Government Code.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 242.127 of the Health and Safety Code provides:

A report, record, or working paper used or developed in an investigation made under this subchapter is confidential and may be disclosed only for purposes consistent with the rules adopted by the board or the designated agency.

Section 242.127 is part of subchapter E of the Health and Safety Code which governs reports of abuse and neglect of convalescent and nursing homes and related institutions.

You state that although the investigation was begun due to a complaint received by this office, the incident in question had previously been reported to the Texas Department of Health and that the Medicaid Fraud Control Unit subsequently received a complaint referral from the Department of Health. This office had previously determined

that due to the close relationship between the Texas Department of Health and the Office of the Attorney General in an investigation of abuse and neglect conducted under subchapter E of the Health and Safety Code that section 242.127 affords the same confidentiality to the Medicaid Fraud Control Unit's reports, records, or working papers used or developed in such an investigation. *See* Open Records Letter Nos. 92-456 (1992), 92-479 (1992), 92-481 (1992). Accordingly, we conclude that the requested information is made confidential by section 242.127.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta DeHay  
Assistant Attorney General  
Open Records Division

LRD/LBC/ch

Ref: ID# 33564

Enclosures: Open Records Letter No. 94-392 (1994)  
Submitted documents

cc: Mr. Kevin Schramm  
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(w/o submitted documents)